



**"SOLUTIONS AT WORK"®**

445 Brook Avenue, Deer Park, NY 11729

(631) 586-4900 • NYC (718) 204-4993

FAX (631) 586-4920

July 18, 2000

U. S. Env. Protection Agency  
Region II  
290 Broadway  
New York, NY 10007-1866  
Att.: Mr. Richard L. Caspe, P. E. Director  
Emergency & Remedial Response Div.

Re: BCF Oil Refining Inc. Site  
360-362 Maspeth Avenue, Brooklyn, NY

Dear Mr. Caspe,

I am responding to letter dated May 23<sup>rd</sup> requesting for information for the above referenced site.

Please be advised that Fenley and Nicol will not be sharing in the expense of cleaning up this site.

Listed below are answers to your inquiry.

1

a.  
State the correct legal name and current mailing address of your Company. In addition, state all names under which your Company has operated since 1978.

Prior: Fenley & Nicol Co., Inc.  
Currently: Fenley & Nicol Environmental, Inc.  
445 Brook Avenue  
Deer Park, New York, 11729-7208

b.  
Identify the chief executive officer and president of your Company.

Carl E. Klepper, Senior



c.

Is your Company a corporation? If so, identify the State and date of incorporation of your Company, and identify its agent for service of process in the State of incorporation and in New York State.

Yes. Corporation. New York. August 27, 1958.

The agent for service of process in the State of incorporation is Fenley & Nicol Environmental, Inc., 445 Brook Avenue, Deer Park, New York 11729, Attention: Carl Klepper Senior.

d.

Is your Company a partnership? If so, state whether it is a general or limited partnership was organized, and state the names and addresses of the general partners of the partnership.

No.

e.

Is your Company a subsidiary or affiliate of another corporation or other entity? If so, identify each such entity and answer questions 1. A – d. at to each such entity.

No.

f.

What is the nature of the business(es) that your Company currently conducts an which is conducted at the time of its transactions with BCF Oil Refining, Inc. "BFC" or Calleia Bros., Inc., 360-362 Maspeth Avenue, Brooklyn, NY?

The nature of our business is construction and environmental services.

## 2

a.

Describe in detail all the different types of used oil, waste oil, wastewater and other material which were ever given transported by our Company to the Site. (See the definition of "Site" in the "Definitions" section above.

Waste water.

b.

State the total volume of waste oil, used oil, wastewater and other material transported by your Company to the Site. If you cannot provide a precise figure, please estimate, and explain how you formulate this estimate. In addition, if you

can provide a breakdown of this total volume figure based on the different types of oil and other material referred to in your response to question 2.a. above, then please do so.

9,100 gallons of waste water.

1987	59,801	gallons waste water
1988	40,929	
1989	64,205	
1990	31,802	
1991 est.	10,000	
1992	3,100	
1993	6,000	

c.

Describe the various types of industrial, commercial or other facilities or establishments from which your Company obtained the waste oil, used oil, wastewater and other material that is transported to the Site.

NYC Transit Authority, NYS DEC, Industrial, Commercial.

d.

Provide as detailed information as possible regarding the chemical contents and characteristics of the waste oil, used oil, wastewater and other material transported by your Company to the Site.

Gasoline tank water bottoms.

e.

State the time period in which your Company transported used oil, waste oil, wastewater and other material to the Site.

1987 - 1993

f.

As to all of the waste oil, used oil, wastewater and other material brought by your Company to the Site, did your Company select the Site as the place to which the material would be brought? If any entity other than your Company selected the Site as the destination for any of the material, please identify each such other entity and explain how often that was the case.

The Site was a NYS, DEC approved site.

g.  
Provide copies of all documentation of your shipments to the Site or transaction with BCF or Calleia Bros., Inc., including, but not limited to, invoices, receipts, manifests, shipping documents, waste analyses and characterizations, and contracts or agreements with BCF or Calleia Bros., Inc. or their representatives.

To be provided if required at a later date, after official notice of liability for clean up.

3

In addition to the used oil, waste oil, wastewater and other material which was transported by your Company to the Site, EPA needs to obtain information regarding any such material which was generated by your Company (i. e., which your Company arranged for the treatment, disposal, recycling, or sale of) and transported by some other entity to the Site. As of such, shipments of used oil, waste oil, wastewater and other material, please answer questions a. through h. below.

None.

a.  
Describe in detail all the different types of such used oil, waste oil, wastewater and other material which came from your Company and were transporter to the Site.

N/a.

b.  
State the total volume of such waste oil, used oil, wastewater and other materials which came from your Company and was transported to the Site. If you cannot provide a precise figure, please estimate, and explain how your formulated this estimate. In addition, if you can provide a volumetric breakdown based on the different types of oil and other material referred to in your response to question 3.a. above, then please do so.

N/a.

c.  
State the name and address of your Company's facility(ies) from which the waste oil, used oil, wastewater and other materials came.

N/a.

d.  
Provide as detailed information as possible regarding the chemical contents and

characteristics of all of your Company's waste oil, used oil, wastewater and other material that was transported to the Site.

N/a.

e.

State the time period in which your Company's used oil, waste oil, wastewater and other material was sent to the Site.

N/a.

f.

State the present or last known addresses of all parties who transported your Company's used oil, waste oil, wastewater or other material to the Site.

N/a.

g.

Identify all parties who selected the Site as the destination for your Company's used oil, waste oil, wastewater and the other materials.

N/a.

h.

Provide copies of all documents that relate to you answers to questions 3.a.-g. above, including, but not limited to, invoices, receipts, manifests, shipping documents, waste analyses and characterizations, and contracts or agreement with transporters of used oil, waste oil, wastewater and other material, or with BCF or Calleia Bros., Inc. or their representative.

N/a.

4

State the names, telephone numbers and present or last known addresses of all individuals who you have reason to believe may have knowledge, information or documents relating to any used oil, waste oil, wastewater and other material sent to the Site.

Artie Baldwin  
448 Reade Avenue  
Lindenhurst, NY 11757  
(631) 226-9032

Walter Berninger  
31 E. Maple Street  
Central Islip, NY 11722  
(631) 234-5977

Mark Hall  
P. O. Box 96  
Star Lake, NY 13690  
(315) 848-2465

Kenny Blumberg  
89 Willow Lane  
Lindenhurst, NY 11757  
(631) 957-5239

Robert Laszcik  
7821 Emerald Harbor Court  
Las Vegas, NV 89128

5

This question 5 relates only to those years between 1978 and 1994 when your Company may have transported used oil, waste oil, wastewater or other material to the Site or may have generated used oil, waste oil, wastewater or other material that was sent to the Site. During that period:

a.

How did your Company clean the inside of the tank portion of its tank trailers, vacuum trailers, etc.? Where was this accomplished? What was the final disposition of the rinsate from the clean out of the above?

Steam clean at F&N yard. BCF was disposal site for rinsate.

- b. Did your Company conduct tank clean outs?  
No tanker tank clean outs.
- c. Did your Company conduct spill cleanups?  
Yes.
- d. Did your Company ever transport oils, waste water or other material containing PCBs? If so, identify the sources of this material.  
No.
- e. Did your Company ever transport oils, waste water or other material containing chlorinated solvents? If so, identify the sources of this material.  
Unknown.

6

a.

Provide copies of all liability insurance policies and indemnification agreements held or entered into by your Company which arguably could indemnify it against any liability which it may be found to have under CERCLA with regard to the Site. In response to his request, please provide not only those insurance policies and agreements which are currently in effect, but also those which were in effect during the period(s) when any materials may have been transported by your Company, or from your Company's facilities, to the Site.

To be provided if required at a later date, after official notice of liability for clean up.

b.

If you have not retained a copy of any such insurance policies but have information concerning them, please provide to the extent possible the following information for each such policy: a) the name and address of the insurer, b) policy number/account, c) effective dates of the policy, d) per-occurrence limits for the policy, and e) any other descriptive information regarding the policy.

To be provided if required at a later date, after official notice of liability for clean up.

7

a.

Provide copies of the financial statements prepared by, for, or on behalf of your Company during the past four years. If audited financial statements were prepared, then please provide a copy of those statements. If audited financial statements were not prepared, unaudited statements are acceptable. In addition, if financial statements for fiscal year 1999 are not yet available, please provide draft financial statements for 1999 immediately (if available) and the final financial statements for 1999 as soon as they are completed.

To be provided if required at a later date, after official notice of liability for clean up.

b.

If your Company does not have financial statements for the past four years, then provide a copy of other documentation that reflects the financial condition of your Company during those years, such as operating statements, income statements, balance sheets, statements of cash flow (statements of changes in financial position), retained earnings statements, loan applications, and financing agreements.

Not applicable.

8

Provide signed and dated copies of your Company's federal income tax returns, complete with all schedules and attachments, for the most recent four years. If your Company's federal income tax return for fiscal year 1999 has not yet been completed .

To be provided if required at a later date, after official notice of liability for clean up.

9

Has your Company been the subject of a bankruptcy filing at any time since 1978? If so, describe the nature of the bankruptcy case, the approximate date it was initiated, and the current status of the matter.

Yes. Attached.

10

Please state the name, title and address of each individual who assisted or was consulted in the preparation of your response to this Request for Information. In addition, state whether this person has personal knowledge of the answers provided.

Robert A. Abbate, Chief Financial Officer, and Carl E. Klepper, Sr., President. These individual have personal, limited knowledge to several of the questions.

**CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION**

State of \_\_\_\_\_

County of \_\_\_\_\_

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known available to me.



ROBERT A. ARBATH CFO

NAME (print or type)

CFO

TITLE (print or type)

[Signature]

SIGNATURE

Sworn to before me this

20 Day of July, 2000

[Signature]

Notary Public

**HOPE IPPOLITI**

**Notary Public, State of New York**

**No. 4832328**

**Qualified in Nassau County**

**Commission Expires June 30, 2001**

# United States Bankruptcy Court

EASTERN

District of NEW YORK

In re

FENLEY AND NICOL ENVIRONMENTAL, INC.,

Bankruptcy Case No.

094-72547-511

Debtor\*

Social Security No. :

Employer Tax I.D. No.: 11-1872387

## CERTIFICATE OF COMMENCEMENT OF CASE

I certify that on October 17, 1994  
(date)

☒ the above named debtor filed a petition requesting relief  
under chapter 11 of the Bankruptcy Code (title 11  
of the United States Code), or

☐ a petition was filed against the above named debtor under  
chapter \_\_\_\_\_ of the Bankruptcy Code (title 11 of the  
United States Code), and

☒ that as of the date below the case has not been dismissed.

JOSEPH P. HURLEY

Clerk of the Bankruptcy Court

January 13, 1995  
Date

By:

Pauline W. Browne

Deputy Clerk

**UNITED STATES BANKRUPTCY COURT  
Eastern District of New York  
601 Veterans Memorial Highway  
Hauppauge, NY 11788**

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**IN RE:**  
Fenley and Nicol Environmental, Inc.

**CASE NO: 094 - 72547 - 511**

**SSN/TAX ID:**  
11-1872387

**CHAPTER: 11**

**DEBTOR(s)**

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**NOTICE TO DEBTOR(S), CREDITOR(S) AND INTERESTED PARTIES**

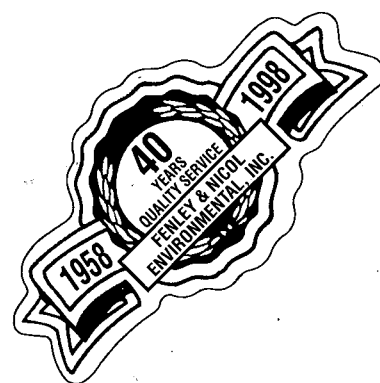
Notice is hereby given that:

Notice of entry of order confirming chapter 11 plan of reorganization dated 1/31/96 stated the order confirming the plan was signed 1/31/96. This information is incorrect. The order confirming the chapter 11 plan was signed on 1/11/96. All other information remains the same.

Dated: February 7, 1996

For the Court, Joseph P. Hurley , Clerk of Court

FENLEY & NICOL ENVIRONMENTAL, INC.  
445 BROOK AVENUE  
DEER PARK, NY 11729-7208



CERTIFIED MAIL



7099 3220 0007 3984 4988

*return  
receipt  
requested*



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03.42:

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MR. T Budroe

Removal Action Branch

Emergency & Remedial Response  
Division

U.S. Environmental Prot. Agency

2890 Woodbridge Ave

Edison, N. J. 08837-3679